

Appln. No. 10/560,294
Amdt. dated May 31, 2006
Preliminary Amendment

IN THE SEQUENCE LISTING

Please enter the attached Sequence Listing, numbered as
page 1.

REMARKS

Claims 1-10 and 20-53 presently appear in this case. The amendments to the claims are being made to eliminate all multiple dependencies, so as to reduce the filing fee, and to place the case in better condition for examination. Claim 28 has been amended to correct the dependency. Please enter this amendment prior to calculation of the filing fee.

Applicants have added into the present specification a new paper copy Sequence Listing section according to 37 C.F.R. §1.821(c) as new page 1. Furthermore, attached hereto is a 3 1/2" disk containing the "Sequence Listing" in computer readable form in accordance with 37 C.F.R. §1.821(e). Applicants have amended the specification to insert SEQ ID Nos, as supported in the present specification.

The following statement is provided to meet the requirements of 37 C.F.R. §1.821(f) and 1.821(g).

I hereby state, in accordance with 37 C.F.R. §1.821(f), that the content of the attached paper and computer readable copies of the sequence listing are believed to be the same.

I hereby also state, in accordance with 37 C.F.R. §1.821(g), that the submission is not believed to include new matter.

Under U.S. rules, each sequence must be classified in <213> as an "Artificial Sequence", a sequence of "Unknown" origin, or a sequence originating in a particular organism, identified by its scientific name.

Neither the rules nor the MPEP clarify the nature of the relationship which must exist between a listed sequence and an organism for that organism to be identified as the origin of the sequence under <213>.

Hence, counsel may choose to identify a listed sequence as associated with a particular organism even though that sequence does not occur in nature by itself in that organism (it may be, e.g., an epitopic fragment of a naturally occurring protein, or a cDNA of a naturally occurring mRNA, or even a substitution mutant of a naturally occurring sequence). Hence, the identification of an organism in <213> should not be construed as an admission that the sequence *per se* occurs in nature in said organism.

Similarly, designation of a sequence as "artificial" should not be construed as a representation that the sequence has no association with any organism. For example, a primer or probe may be designated as "artificial" even though it is necessarily complementary to some target sequence, which may occur in nature. Or an "artificial" sequence may be a substitution mutant of a natural sequence, or a chimera of two or more natural sequences, or a cDNA (i.e., intron-free sequence) corresponding to an

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intron-containing gene, or otherwise a fragment of a natural sequence.

The Examiner should be able to judge the relationship of the enumerated sequences to natural sequences by giving full consideration to the specification, the art cited therein, any further art cited in an IDS, and the results of his or her sequence search against a database containing known natural sequences.

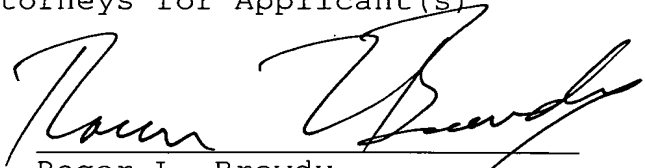
Applicants submit that the present application contains patentable subject matter and therefore urge the examiner to pass the case to issuance.

Prompt consideration on the merits and allowance are earnestly solicited.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read 'Roger L. Browdy', is written over a horizontal line.

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